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8 Creditor & Interested Party

9
10 **UNITED STATES BANKRUPTCY COURT**
11
12 **CENTRAL DISTRICT OF CALIFORNIA, NORTHERN DIVISION**
13

14 In Re:

15 Linda M. Ramirez

16 Debtor.

17) **CASE NO. 9:22-bk-10383-RC**

18) **Chapter 13**

19) **DECLARATION OF RAUL C. RAMIREZ**
20) **IN SUPPORT OF HIS MOTION TO**
21) **DISMISS DEBTOR'S CHAPTER 13**
22) **CASE OR CONVERT IT TO CHAPTER 7,**
23) **AND REQUEST FOR DETERMINATION**
24) **AS SECURED CREDITOR**
25)
26)
27)
28)

1 I, **Raul C. Ramirez**, declare:

- 20 1. I am an interested party in this action and have personal knowledge of the facts
21 stated in this declaration and could and would competently testify thereto if
22 called upon to do so.
- 23 2. Debtor and I married on August 6, 2011 and separated on or about July 2,
24 2017. However, prior to this marriage, we lived together as husband and wife,
25 on and off, for about 15 years over a 30-year period, I raised Debtor's oldest
26 son from her prior marriage and the two of us had two children of our own. All
27 three children are now adults.
28

- 1 3. On April 17, 2002, while Debtor and I were not married, Debtor purchased the
2 real property commonly known as 2213 Miramar Walk, Oxnard, California,
3 93035 and hereinafter referred to as "the property" in her name only. The
4 purchase price was \$170,000 and the purchase mortgage was \$159,600.
5
- 6 4. On July 6, 2017, Debtor filed a legal separation action against me in Ventura
7 County Superior Court under Case #D382866; it was later changed to a
8 Dissolution of Marriage action. I was served with process on the case on July
9 16, 2017 and filed my response on November 6, 2017.
10
- 11 5. After protracted and acrimonious litigation in the Family Law Court, the case
12 finally went to trial in Ventura County Superior Court on February 25, 2022,
13 before Honorable Judge Michael L. Lief.
- 14 6. An indication of how protracted this divorce litigation was, is Debtor's Schedule
15 F filed in her Chapter 13 case. Debtor states she owes her divorce attorney,
16 \$152,301 for representing Debtor in the Dissolution of Marriage action against
17 me.
18
- 19 7. At the trial on February 25, 2022, the Family Law Court found Debtor owned
20 the real property prior to our marriage and further found Debtor owed me
21 \$91,772 for various reimbursements relating primarily to the property.
22
- 23 8. On February 25, 2022, the Ventura County Family Law Court was prepared to
24 order the property sold so the \$91,772 could be paid to me out of escrow.
25 Debtor, through her family law counsel, however, represented Debtor could
26 refinance her existing mortgage and requested a 90-day extension to refinance
27 her home to raise the money to pay me the \$91,772. Through my attorney, I
28

1 agreed to this 90-day extension. The transcript of hearing in the Family Law
2 Court held on February 25, 2022 regarding this request includes the following:

3 On page 24, lines 8 through 13, Laurie Peters, the attorney for Raul, states,

4 "I would remind the court that in order to pay my client,
5 Mrs. Ramirez is probably going to have to sell the house."

6
7 On page 59, lines 7 through 12, the Family Law Judge states,

8 "Very Good. And then the parties agree as well that the wife
9 shall have 90 days to refinance and buy-out husband. And if
10 it does not occur within 90-days, then the parties agree the
11 house will be listed for sale and the parties will be ordered to
cooperate to effectuate the sale."

12 On line 17, page 59, Ms. Hartley, the Debtor's Dissolution of Marriage lawyer,
13 states:

14 "Yes, your Honor."

15 On page 63, the court states,

16 "Well, 90 days from today is May 26th. Absent any showing that
17 it couldn't be done by May 26th, I think that 90 days from today
18 is appropriate. If there's a problem with a lender, certainly the
19 parties can talk to each other and not come back to court,
because nobody wants to spend more money in this case.

20 And given that the parties have settled all the issues, it seems to
21 the court if there's documentary notice from a lender that we
22 need we need it ...I need it...it seems reasonable to the court
23 that if a lender in the midst of refi could do something that said
we need to actually see a judgment before we can do this,
Respondent ought to cooperate with that. "

24 9. As can be seen by the above exchange, Debtor, through her Family Law
25 Counsel, represented to the Family Law Judge, that Debtor needed 90 days from
26 February 25, 2022 to refinance her mortgage in order to pay me the \$91,772.
27
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- 1 10. The Court granted the 90-day request and ordered that if the \$91,772 was not
2 paid within 90-days of February 25, 2022, the order to sell the property would
3 go into effect on May 26, 2022, and the parties were further ordered to
4 cooperate to effectuate the sale of the property.
5
- 6 11. During this 90-day period between February 25, 2022, and May 26, 2022,
7 instead of refinancing her mortgage, to raise the \$91,772, Debtor stopped
8 making her monthly mortgage payments on her 1st and 2nd mortgages, went to
9 work for her divorce attorney's husband as a "Prayer Clerk," and filed Chapter
10 13 on May 25, 2022, one day before the property sale order was to go into
11 effect.
12
- 13 12. Filed with this Motion is my request for the Court to take Judicial Notice of a
14 Certified Reporter's transcript of the February 25, 2022, Ventura County
15 Superior Court's Family Law trial in Ramirez vs Ramirez, Case #D382866.
16 Also, I request the Clerk to take Judicial Notice of my Dissolution of Marriage
17 Judgment in Case D382866, dated April 8, 2022 and filed with the Ventura
18 County Superior Court on April 11, 2022. Of interest is, the Debtor, two days
19 prior to the Judge signing this Judgment and Dissolution, had already paid her
20 Chapter 13 bankruptcy attorney the initial Chapter 13 Retainer.
21
- 22 13. I am also requesting the Court take Judicial Notice of the Lis Pendens /
23 Pendency of Action filed in the Dissolution of Marriage action and recorded in
24 the Ventura County Recorder's Office on February 13, 2020, as instrument
25 number 20200213-00019739-0 1/3, as evidence of my status as a secured
26 creditor in this Chapter 13 bankruptcy.
27
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1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct to the best of my knowledge and
3 belief. This Declaration was executed on August __, 2022, at Ventura,
4 California.
5

6
7 
8 **Raul C. Ramirez**